

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2005 Legislative Session**

Legislative Day # 14

**BILL NO. 2005-19**

**Introduced by: Charles County Commissioners**

AN ACT concerning

**Taxation - Charles County Historic Preservation Rehabilitation Tax Credit**

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**Date introduced:** July 25, 2005

**Public Hearing:** August 29, 2005

**Commissioners Action:** 08 / 29 / 2005

**Commissioner Votes:** WC:     , RF:     , AS:     , EP:     , CK:     

**Pass/Fail:**         

**Effective Date:**      /      /     

**Remarks:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1                                    **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2  
3                                    **2005 Legislative Session**

4            Bill No.        2005-19

5            Chapter. No.   281 - Taxation

6            Introduced by   Charles County Commissioners

7            Date of Introduction   July 25, 2005

8  
9                                    **BILL**

10  
11            AN ACT concerning

12                                **Taxation - Charles County Historic Preservation Rehabilitation Tax Credit**

13  
14            FOR the purpose of

15                                Establishing a property tax credit for 10% of certified rehabilitation expenses

16  
17            BY adding to:

18                                Division 2: Code of Ordinances and Regulations

19                                Chapter 281 – Taxation

20                                Article VIII – Real Property Tax

21                                *Code of Charles County, Maryland*

22                                (1994 Edition, 2000 Supplement)

23  
24                                **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF  
25            CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as  
26            follows:

1 **Division 2: Code of Ordinances and Regulations**

2 **Chapter 281 - Taxation**

3 **Article VIII - Real Property Tax**

4  
5 **§ 281-23 TAX CREDIT FOR QUALIFIED EXPENSES FOR THE RESTORATION**  
6 **OR REHABILITATION OF HISTORIC PROPERTIES.**

7  
8 **A. AUTHORITY.** IN ACCORDANCE WITH SECTION 9-204.1 OF THE TAX  
9 PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THERE IS  
10 A CHARLES COUNTY PROPERTY TAX CREDIT IN THE AMOUNT OF 10% OF  
11 THE QUALIFIED EXPENSES USED FOR THE RESTORATION AND  
12 PRESERVATION OF AN ELIGIBLE PROPERTY.

13  
14 **B. DEFINITIONS.** IN THIS SECTION THE FOLLOWING TERMS HAVE THE  
15 MEANING INDICATED.

- 16  
17 (1) CERTIFICATE OF ELIGIBILITY - THE DOCUMENT ISSUED BY THE  
18 COMMISSION TO THE OWNER OF AN ELIGIBLE PROPERTY, WHICH  
19 AUTHORIZES THE DEPARTMENT OF FISCAL SERVICES TO APPLY A  
20 HISTORIC TAX CREDIT TO THE ELIGIBLE PROPERTY.  
21  
22 (2) COMMISSION - THE HISTORIC PRESERVATION COMMISSION  
23 CREATED UNDER SECTIONS \_\_\_\_ OF THE COUNTY CODE.  
24 (3) ELIGIBLE PROPERTY - A PRINCIPAL BUILDING, OUTBUILDING, OR  
25 CEMETERY THAT IS DESIGNATED AS A LOCAL HISTORIC LANDMARK  
26 OR LIES WITHIN A DESIGNATED HISTORIC DISTRICT.  
27  
28 (4) ELIGIBLE WORK - WORK DONE ON AN ELIGIBLE PROPERTY  
29 (a) IN COMPLIANCE WITH THE RULES AS ADOPTED BY THE

1 COMMISSION UNDER SECTION \_\_\_\_ OF THE COUNTY CODE;

2  
3 (b) AFTER THE OWNER RECEIVES INITIAL APPROVAL OF AN  
4 APPLICATION FOR A CERTIFICATE OF ELIGIBILITY; AND

5  
6 (c) IN CONFORMITY WITH THE APPLICATION FOR WHICH INITIAL  
7 APPROVAL WAS GIVEN.

8 (I) ELIGIBLE WORK INCLUDES:

- 9 1. THE REPAIR OR REPLACEMENT OF EXTERIOR  
10 FEATURES OF THE STRUCTURE;  
11 2. WORK THAT IS NECESSARY TO MAINTAIN THE  
12 PHYSICAL INTEGRITY OF THE STRUCTURE WITH  
13 REGARD TO SAFETY, DURABILITY, OR  
14 WEATHERPROOFING;  
15 3. MAINTENANCE OF THE EXTERIOR OF THE  
16 STRUCTURE INCLUDING ROUTINE  
17 MAINTENANCE; AND  
18 4. REPAIR OR MAINTENANCE OF EXISTING  
19 GRAVESTONES, WALLS, FENCING, OR OTHER SITE  
20 FEATURES OF AN EXISTING HISTORIC PROPERTY  
21 INCLUDING CEMETERIES.

22 (II) ELIGIBLE WORK DOES NOT INCLUDE:

- 23 1. NEW CONSTRUCTION;  
24 2. INTERIOR FINISH WORK THAT IS NOT NECESSARY  
25 TO MAINTAIN THE STRUCTURAL INTEGRITY OF  
26 THE BUILDING; OR  
27 3. LANDSCAPE MAINTENANCE OR NEW LANDSCAPE  
28 PLANTINGS.

29 (5) QUALIFIED EXPENSES

1 (a) THE AMOUNT OF MONEY PAID TO A LICENSED CONTRACTOR  
2 BY THE OWNER OF AN ELIGIBLE PROPERTY FOR ELIGIBLE  
3 WORK.

4  
5 (b) THE AMOUNT OF MONEY PAID BY AN OWNER OF AN ELIGIBLE  
6 PROPERTY TO A LICENSED CONTRACTOR FOR ELIGIBLE WORK  
7 OR FOR MATERIALS USED TO DO ELIGIBLE WORK.

8  
9 (c) IN ORDER TO BE ELIGIBLE FOR A TAX CREDIT UNDER THIS  
10 SECTION, QUALIFIED EXPENSES MUST BE \$500 OR GREATER.

11  
12 (6) ROUTINE MAINTENANCE - WORK THAT QUALIFIES AS ROUTINE  
13 MAINTENANCE UNDER SECTION \_\_\_\_ OF THE COUNTY CODE.

14  
15 **C. PROCEDURES.**

16  
17 (1) THE OWNER OF AN ELIGIBLE PROPERTY MAY APPLY TO THE  
18 COMMISSION FOR A HISTORIC TAX CREDIT FOR QUALIFIED  
19 EXPENSES. THE APPLICATION SHALL BE IN THE FORM AND  
20 ACCOMPANIED BY ADDITIONAL INFORMATION THAT THE  
21 COMMISSION, BY RULE, REQUIRES.

22  
23 (2) THE COMMISSION SHALL GIVE INITIAL APPROVAL OF A  
24 CERTIFICATE OF ELIGIBILITY :

25  
26 (a) IF IT DETERMINES THAT PROPERTY TO BE AN ELIGIBLE  
27 PROPERTY;

28  
29 (b) IF IT DETERMINES THAT THE PROPOSED WORK IS ELIGIBLE

1 WORK; AND

2  
3 (c) IF THE PROPOSED WORK HAS BEEN ISSUED A HISTORIC AREA  
4 WORK PERMIT.

5  
6 (3) UPON COMPLETION OF THE WORK, THE OWNER SHALL SUBMIT TO  
7 THE COMMISSION DOCUMENTATION THAT THE WORK WAS DONE IN  
8 ACCORDANCE WITH THE INITIAL APPROVAL OF THE HISTORIC AREA  
9 WORK PERMIT AND SHALL DOCUMENT ALL QUALIFIED EXPENSES.

10  
11 (4) THE COMMISSION SHALL REVIEW THE APPLICATION, THE INITIAL  
12 APPROVAL, AND THE DOCUMENTATION.

13  
14 (5) AT A PUBLIC MEETING, THE COMMISSION SHALL GIVE FINAL  
15 APPROVAL OF THE CERTIFICATE OF ELIGIBILITY ONCE THE PROJECT  
16 HAS BEEN COMPLETED AND ALL DOCUMENTATION HAS BEEN  
17 SUBMITTED TO THE COMMISSION.

18  
19 (6) UPON FINAL PROJECT REVIEW, THE COMMISSION SHALL  
20 DETERMINE WHAT WORK IS ELIGIBLE WORK; AND THE DOLLAR  
21 AMOUNT OF QUALIFIED EXPENSES FOR THE WORK.

22  
23 (7) THE DOLLAR AMOUNT OF QUALIFIED EXPENSES AND THE AMOUNT  
24 OF TAX CREDIT SHALL BE ENTERED ON THE CERTIFICATE OF  
25 ELIGIBILITY.

26  
27 (8) AFTER FINAL APPROVAL BY THE COMMISSION, THE COMMISSION  
28 SHALL FORWARD THE CERTIFICATE OF ELIGIBILITY TO THE  
29 TREASURER'S OFFICE.

1           (9)    THE DEPARTMENT OF FISCAL SERVICES SHALL GRANT THE TAX  
2                   CREDIT FOR THE TAX YEAR IN WHICH THE CERTIFICATE OF  
3                   ELIGIBILITY IS RECEIVED BY THE DEPARTMENT.

4           (a)    IF THE AMOUNT OF THE TAX CREDIT UNDER THIS SECTION  
5                   EXCEEDS THE AMOUNT OF THE CHARLES COUNTY REAL  
6                   PROPERTY TAX, ANY UNUSED PORTION OF THE TAX CREDIT  
7                   SHALL BE CARRIED FORWARD FOR UP TO FOUR YEARS.

8  
9           **D.    CHANGE IN OWNERSHIP.** CHANGE IN OWNERSHIP WILL RESULT IN THE  
10                   LAPSE OF A TAX CREDIT GRANTED UNDER THIS SECTION. ONCE THE  
11                   PROPERTY HAS BEEN SOLD, NEITHER THE FORMER OR CURRENT  
12                   PROPERTY OWNER ARE ELIGIBLE FOR THE REMAINDER OF THE CREDIT.

13  
14           **E.    APPEALS.** THE OWNER WHO IS DENIED ALL OR PART OF A TAX CREDIT  
15                   BY THE COMMISSION MAY APPEAL TO THE CIRCUIT COURT OF CHARLES  
16                   COUNTY.

17  
18           **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect FORTY-FIVE (45)  
19                   calendar days after it becomes law.